

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. S 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Daniel D. Ryan (29,243)  
John M. Manion (38,957)  
Daniel R. Johnson (46,204)  
Laura A. Dable (46,436)

Joseph A. Kromholz (34,204)  
Patricia Jones (46,318)  
Arnold J. Ericson (16,879)  
Patricia A. Limbach (50,295)

(check the following item, if applicable)

- [ ] Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

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SEND CORRESPONDENCE TO

Daniel D. Ryan  
RYAN KROMHOLZ & MANION, S.C.  
Post Office Box 26618  
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DIRECT TELEPHONE CALLS TO:

Daniel D. Ryan  
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DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

STUART (GIVEN NAME) D (MIDDLE INITIAL OR NAME) EDWARDS (FAMILY (OR LAST NAME))
Inventor's signature
Date 3/19/02 Country of Citizenship US
Residence (City, State/Country) SALINAS, CALIFORNIA
Post Office Address 14601 ROLAND CANYON ROAD SALINAS, CA 93908 3-19-02

Full name of second joint inventor, if any

DAVID (GIVEN NAME) (MIDDLE INITIAL OR NAME) UTLEY (FAMILY (OR LAST NAME))
Inventor's signature David S. Utley
Date 3-29-02 Country of Citizenship US
Residence (City, State/Country) SAN CARLOS, CALIFORNIA REDWOOD CITY, CA
Post Office Address 108 COLTON AVENUE 3725 JEFFERSON CT SAN CARLOS, CA 94070 REDWOOD CITY, CA 94062 3-29-02

Full name of third joint inventor, if any

(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature
Date Country of Citizenship
Residence (City, State/Country)
Post Office Address

Full name of fourth joint inventor, if any

(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature
Date Country of Citizenship
Residence (City, State/Country)
Post Office Address

Full name of fifth joint inventor, if any

(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)
Inventor's signature
Date Country of Citizenship
Residence (City, State/Country)
Post Office Address

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

Signature for sixth and subsequent joint inventors. Number of pages added \_\_\_\_\_

\*\*\*

Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_

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Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_

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Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

Number of pages added 2

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Authorization of attorney(s) to accept and follow instructions from representative

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*(If no further pages form a part of this declaration then end this declaration with this page and check the following item:)*

This declaration ends with this page

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION**

*(complete this part only if this is a divisional, continuation or C-I-P application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, S 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, S 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

Status  
(CHECK ONE)

U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 09 / 007,237	24/07/2001			
2. 0 /				
3. 0 /				

**PCT APPLICATIONS DESIGNATING THE U.S.**

PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

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**DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY APPLICATION  
CLAIMED UNDER 35 USC 119**

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Above Appln. No.	Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Edwards

Examiner: Unknown

Serial No. 09/911,874

Art Group: Unknown

Filed: July 24, 2001

For: GERD Treatment Apparatus and Method

CONSENT OF ASSIGNEE  
TO CHANGE OF INVENTORSHIP  
PURSUANT TO 37 C.F.R. §1.48(a)

Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Curon Medical, Inc., 735 Palomar Ave., Sunnyvale, California 94806, the owner of 100% interest in this U.S. Patent Application by virtue of an assignment, a true copy of which is attached, hereby assents to the correction of inventorship filed herewith, namely adding David S. Utley as co-inventor.

I state that I am authorized to act on behalf of the assignee.

In accordance with 37 C.F.R. 3.73, the assignee hereby certifies that the evidentiary documents with respect to ownership have been reviewed and that, to the best of the assignee's knowledge and belief, title is in the assignee seeking to take this action.

Dated 4-24-02

By DAVID S. UTLEY

Name DAVID S. UTLEY

Title CHIEF MEDICAL OFFICER

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following item, if desired)*

- In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

### PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

- (d)  no such applications have been filed.
- (e)  such applications have been filed as follows.

**NOTE:** Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

#### A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. S 119

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			[ ] YES      NO [ ]
			[ ] YES      NO [ ]
			[ ] YES      NO [ ]
			[ ] YES      NO [ ]
			[ ] YES      NO [ ]